Johnston, Dr. Samuel

June 1915

Johnston, McKay, Dods & Grant,
BARRISTERS & SOLICITORS
NOTARIES PUBLIC, &c.

E. F. B. Johnston, K.C. Robert McKay, K.C.
Andrew Dods. Gideon Grant.
D. Inglis Grant. Merril MacDonald.
G. W. Adams. Bruce Williams.

Telephone Main 4900.
Cable Address "DODS" Toronto

Traders Bank Building,
Toronto,
Canada.

June 2nd. 1915

Ackgd 4.6.15

Dear Sir:-

We are sending you herewith a copy of charges being made by Dr. MacMillan against Dr. Samuel Johnston of the Hospital Board and incidentally against Dr. J.K. Clarke. We have sent a copy of these charges to the Chairman of the Board and we thought it might be a convenience for each member of the Board to have a copy.

Yours truly,

JOHNSTON McKAY DODS & GRANT

PER G.G.

GG/LR Enc.

CHARGES PREFERRED BY DR. R. J. MacMILLAN AGAINST

DR. SAMUEL JOHNSTON

(1) -- Dr. MacMillan charges that Dr. Samuel Johnston for a period of about two years practically compelled Dr. MacMillan to divide fees earned by Dr.MacMillan with the said Dr. Samuel Johnston.

(2) -- Dr. Johnston complained that Dr. Herbert Bruce was giving too man. private anaesthetics to Dr. MacMillan.

(3) -- Dr. Samuel Johnston asked Dr. Rudolph to drop Dr. MacMillan's name from the staff of the Therapeutic Department of the Toronto University without consulting with Dr. MacMillan and without having any knowledge or information respecting Dr. MacMillan's wishes regarding the matter.

(4) -- Dr. Rudolph saw Dr.Clarke to ascertain the reason why Dr. R. J. MacMillan should be dropped from the University staffand Dr.Clarke said that the Hospital authorities were going to drop him from the Board any way; this all behind the back of Dr. MacMillan and without in any way ascertaining his wishes regarding the matter.

(5) -- Dr.Rudolph had requested Doctors Samuel Johnston and C.K.Clarke to have Dr. MacMillan call upon him respecting his name being dropped from the Faculty of the University, but neither Dr. Johnston or Dr.Clarke gave any intimation to Dr. MacMillan that Dr.Rudolph wished to see him about the matter until his name had been actually dropped.

(6) -- Dr.Samuel Johnston in the early summer of 1914 requested Dr. Starr to make all arrangements for private anaesthetics at the Toronto General Hospital through Dr. Samuel. Johnston. Dr. Starr had been giving Dr. MacMillan a considerable part of his anaesthetic cases before the date above mentioned, Dr. Starr said that he would do so on one condition and that was that Dr. MacMillan received a good proportion of the cases to which Dr. Johnston agreed. During the whole of the Summer and up until about the end of October Dr.Johnston did not assign to Dr.MacMillan one case of Dr. Starr's, giving most of the anaesthetics himself. Dr. Starr complained that Dr.Johnston had not kept his promise and stated that from that time forward he would look after his own arrangements for anaesthetics and from that time on Dr.MacMillan again began to administer anaesthetics for Dr. Starr's cases.

(7) -- Dr.Johnston has on several occasions attempted to undermine Dr.MacMillan's standing and reputation with the profession as appears from the following namely;-

In the Spring of 1914 a case was sent in to the

(7) contd. - Toronto General Hospital by an outside physician. When she came to the Hospital Dr.MacMillan was sent for to see whether she was in a fit condition to be placed under an anaesthetic. The surgeon was present at the sametime and enquired from Dr.MacMillan whether an anaesthetic should be administered in the patient's then critical condition. Dr.MacMillan then replied that if from a surgical standpoint the case could wait for twenty-four hours it would be better that it should wait, in which opinion the surgeon concurred. The operation was performed twenty-four hours later and the patient came safely through. Speaking of the case a week or so later to several Doctors in the Hospital Dr. Samuel Johnston said that Dr.MacMillan was "yellow"- meaning that he was afraid to give an anaesthetic in a critical case. The physician who sent in the case and the operating surgeon both agreed with Dr.MacMillan and Dr.Johnston was not present and did not see the patient until sometime afterwards, yet he made this adverse criticism to Doctors who did not know the fact in disparagement of Dr.MacMillan.

(8) -- Dr.MacMillan reported the adverse criticism made by Dr.Samuel Johnston in the case lastly above mentioned and Dr.Clarke simply laughed.

(9) -- Dr.Johnston reported to Dr.Clarke that Dr.MacMillan was absent from the room at a time when a student was giving an anaesthetic to a patient and that the patient was in a most critical condition and would have died but for the efforts of Dr.Johnston. He stated and reported that Dr.MacMillan was absent from the room several minutes while ge,Dr.Johnston, was in the room, which is untrue. This is denied by several persons who were present on the occasion in question and Dr.MacMillan charges that the statements made are untrue and were falsely and maliciously made by Dr. Johnston with the object of undermining Dr.MacMillan with the Superintendent and the Board of Trustees and with the object of having him dismissed from the Hospital.

(10).-- Dr.MacMillan saw Dr.Clarke respecting the report lastly above mentioned and gave him the names of the parties who were present and who could prove that the statements made by Dr.Johnston were untrue, but notwithstanding this Dr.Clarke made his report to the Board of Trustees without interviewing or obtaining any information from the parties whose names Dr. MacMillan gave him as the names of those present on the occasion in question.

(11) -- Dr.MacMillan further charges that Dr.Johnston made a false report to the Superintendent of the Hoppital that one Pinkus died on the operating table while under an anaesthetic being administered by a student, he stating that Dr.MacMillan had beenrequested and was expected to be present at the time but was not, that is he did not attend in breach of his duty in that behalf. The fact is that Dr.MacMillan was present and administered the anaesthetic himself

(11) contd. -- and that the patient did not died on the operating table, but died in the Ward sometime after the operation had been performed and not as a result of the anaesthetic. Dr.MacMillan charges that the said report was made falsely and maliciously and with the intent to injure and damage the said Dr. MacMillan and to have him dropped from the staff. This report was never produced and was never mentioned to Dr.MacMillan until the report was made by Dr. Johnston in the case mentioned above, when Dr. MacMillan charges it was produced simply to back up the position which was then being taken by Dr. Samuel Johnston and Dr. C.H.Clarke.

(12) -- Dr.MacMillan charges that Dr.C.H.Clarke maliciously exhibited the report respecting the Pinkus case in the paragraph lastly above set forth to a member of the Hospital staff at the time lastly above mentioned, but notwithstanding his comment upon the said case and his exhibition of the said statement as before mentioned Dr.Clarke has never mentioned the matter of the Pinkus case to Dr.MacMillan.

(13) -- Dr.Clarke to fortify his position which he had taken in opposition to Dr.MacMillan endeavoured by suggestion and leading questions to various parties whom he interviewed and caused to be interviewed concerning deaths which had taken place under anaesthetics at the Hospital to try to get the persons interviewed to connect Dr.MacMillan's name with the said cases.

June 4th, 1915

Messrs. Johnston, McKay, Dods and Grant,

Traders Bank Building,

Toronto.

Gentlemen:

In the absence of President Falconer I beg to acknowledge the receipt of your letter of the 2nd inst. together with a copy of charges being made by Dr. Macvillan against Dr. Samuel Johnston.

Yours very truly,

President's Secretary.